IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15832 of 2000

Between:

1 Alladi Immanna S/o. John
r/o. Rampa Yerram palem (V), Korukonda (M),
E.G.Dist.
2 Alladi Devadas s/o. Yesuratnam
r/o. Rampa Yerram palem (V), Korukonda (M),
E.G.Dist.
3 Kurvella Gangaraju S/o. Paddayya
r/o. Rampa Yerram palem (V), Korukonda (M),
E.G.Dist.
4 Alladi Vijayakumari w/o. Sundararao
r/o. Rampa Yerram palem (V), Korukonda (M),
E.G.Dist.

..... PETITIONERS

AND

1 Collector,
Kakinada
2 Sub-Collector,
Rajahjmundry.
3 Mandal Revenue Officer
Gokavaram, East Godavari District.
4 Raja Madhuveti Suryanarayana Rama Bhupathi Dev S/o. Raja Rama Bhupati Dev R/o.Rampayearam palem, Gokavaram (M),, East Godavri District.

(R4 is impleaded as C.O. dt: 25/9/2000 in WPMP 22469/2000)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ, order or direction declaring

the action of the respondents in trying to evict the petitioners from the land measuring ac. 3.52 cents in S.No.58 of Rampa Yerrampalem (V), Korukonda (M), E.G.Dist, as illegal and arbitrary and for a consequential direction directing the respondents to follow the directions issued by the Govt. vide its letter dt: 8/10/1998 and pass

Counsel for the Petitioner: MR.M.LAKSHMANA SARMA

Counsel for the Respondents 1 to 3 : GP FOR ASSIGNMENT Counsel for the Respondent 4 : Mr. E. Phani Kumar.

The Court at the stage of admission made the following:

ORAL ORDER:

The petitioners who have been in possession of the land to an extent of Ac.3.52 in Sy. No. 58 of Rama Yerraqmpalem village of Korukonda Mandal in East Godavari District filed the present petition seeking to declare the action of the respondents in trying to evict the petitioners from the above said land as illegal and arbitrary.

The contention of the petitioners is that there is a P.W.D. irrigation tank in Sy. No.58 of the said village in an extent of 71-90 cents. The surplus land in the tank together with a portion of the tank bed lies in S.No. 57 which is a private land belonging to the 4th respondent. In order to improve the tank, a proposal was made to acquire the land measuring Ac. 4-04 cents in S.No 57 belonging to the 4th respondent. But the 4th respondent gave an application willing to relinquish the land in S.No. 57 in favour of the government, provided, the government give him Ac. 3.52 cents of land in S.No. 58 and. The 2nd respondent inspected the land in S.No. 57 and 58 and recommended the proposals to the 1st respondent and accordingly orders were issued on 15.6.1970 approving the proposals of the 2nd respondent and conversion of the tank portion into an assessed waste dry land for assignment in favour of eligible applicants.

It is the further contention of the petitioners that as the 4th respondent had relinquished his right, the land in Sy. No. 58 was in their occupation and the 3rd respondent issued eviction notices for their eviction. Then they filed an appeal

before the 2nd respondent on 21.9.1974 but the same was rejected. Aggrieved by that, the petitioners preferred a revision before the 1st respondent who in turn permitted the petitioners to cut and remove the crop after giving undertaking to the 3rd respondent to the effect that they would vacate the land after harvesting the crop. As against the said order, the petitioners preferred another revision before the Government and the government after examining the material, directed the 1st respondent to acquire the land which was handed over to the 4th respondent if it is needed for the public purpose. Aggrieved by the said order, the 4th respondent filed a writ petition W.P. 20 of 1978 before this Court which was allowed and remanded the matter to the Government with a direction to decide upon the question as to who is entitled for assignment and to what extent after taking into consideration all relevant factors and circumstances of the case and the relevant rules on the subject. In pursuance of such direction, the Government issued a G.O. assigning the land measuring to Ac.3.52 cents in S.No. 58 of the said village in favour of 4th respondent in exchange of his patta land measuring to Ac.4-04 in S.No. 57 of the said village. Aggrieved by the said orders, the petitioners fled another writ petition 3536 of 1981 wherein this Court set aside the order of the government and directed the government to decide the matter after hearing both parties. Then the Government directed the 1st respondent herein to enquire into the matter and provide alternative lands to the petitioners as per their eligibility as they are in possession of the lands since long time so as to put an end to the litigation. It is their further grievance that even though two years have elapsed, no action has been taken by the 1st respondent in pursuance of the Government Order dated 8.10.1998 and while the matter is pending, the 2nd respondent directed the 3rd respondent to take forcible possession of the land from the petitioners. Hence the present petition.

Though the matter is pending since 2000, the respondents have not chosen to file any counter. Therefore, this Court is not able to know whether the 1st respondent has taken steps to enquire into the matter with regard to providing of alternative lands to the petitioners or not.

Considering the facts and circumstances of the case, it seems, prima facie, the

petitioners have already obtained an order from the Government directing the 1st respondent to enquire into the matter and to provide alternative lands to the petitioners.

Therefore, I deem it appropriate to direct the 1st respondent to immediately take steps to implement the order passed by the government dated 8-10-1998, within a period of eight weeks from the date of receipt a copy of this order and pass appropriate orders. Till such time, the possession of the petitioners over the said land shall not be disturbed.

With the above direction, the writ petition is disposed of. No order as to costs.

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kvsn 22-06-2005

To

1 Collector,
Kakinada
2 Sub-Collector,
Rajahjmundry.
3 Mandal Revenue Officer
Gokavaram, East Godavari District

4 Two CCs to GP for Assignment, High Court buildings, Hyderabad.

5 Two CD copies.